

FILED

May 20, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BY: BW
DEPUTY

-----	x
CloudofChange, LLC,	)
	)
Plaintiff,	)
	)
v.	) 6:19-CV-00513-ADA
	)
NCR Corporation,	)
	)
Defendant.	) JURY TRIAL DEMANDED
	)
-----	x

JURY VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein, “CloudofChange” means CloudofChange, LLC, and “NCR” means “NCR Corporation.” As used herein, “the '640 Patent” refers to U.S. Patent No. 9,400,640 and “the '012 Patent” refers to U.S. Patent No. 10,083,012.

We, the jury, unanimously agree to the answers to the following questions and return them as our verdict in this case:

I. INFRINGEMENT

Directions - Questions Nos. 1 & 2

In answering the Questions below, please check "Yes" or "No" for each listed asserted claim in the space provided.

Question No. 1: Has CloudofChange proven by a preponderance of the evidence that NCR has infringed the following asserted claims of the '640 Patent? "Yes" is in favor of CloudofChange and "No" is in favor of NCR.

If your answer below to Claim 1 is "No" then do not answer this question as to the remaining claims from the '640 patent but go on to Question No. 2.

'640 Patent

Claim 1:	Yes <u>X</u>	No _____
Claim 3:	Yes <u>X</u>	No _____
Claim 4:	Yes <u>X</u>	No _____
Claim 5:	Yes <u>X</u>	No _____
Claim 6:	Yes <u>X</u>	No _____
Claim 11:	Yes <u>X</u>	No _____
Claim 12:	Yes <u>X</u>	No _____
Claim 13:	Yes <u>X</u>	No _____

Question No. 2: Has CloudofChange proven by a preponderance of the evidence that NCR has infringed the following asserted claims of the '012 Patent? "Yes" is in favor of CloudofChange and "No" is in favor of NCR.

If your answer below to Claim 1 is "No" then do not answer this question as to the remaining claims from the '012 patent but go on to Question No. 3.

'012 Patent

Claim 1:	Yes <u>X</u>	No _____
Claim 2:	Yes <u>X</u>	No _____
Claim 3:	Yes <u>X</u>	No _____
Claim 4:	Yes <u>X</u>	No _____

II. VALIDITY

Directions - Questions Nos. 3&4

In answering the Questions below, please check "Yes" or "No" for each listed asserted claim in the space provided.

Question No. 3: Has NCR proven by clear and convincing evidence that the following asserted claims of the '640 Patent are invalid? "No" is in favor of CloudofChange and "Yes" is in favor of NCR.

'640 Patent

Claim 1:	Yes _____	No <u>X</u>
Claim 3:	Yes _____	No <u>X</u>
Claim 4:	Yes _____	No <u>X</u>
Claim 5:	Yes _____	No <u>X</u>
Claim 6:	Yes _____	No <u>X</u>
Claim 11:	Yes _____	No <u>X</u>
Claim 12:	Yes _____	No <u>X</u>
Claim 13:	Yes _____	No <u>X</u>

Question No. 4: Has NCR proven by clear and convincing evidence that the following asserted claims of the '012 Patent are invalid? "No" is in favor of CloudofChange and "Yes" is in favor of NCR.

'012 Patent

Claim 1:	Yes _____	No <u>X</u>
Claim 2:	Yes _____	No <u>X</u>
Claim 3:	Yes _____	No <u>X</u>
Claim 4:	Yes _____	No <u>X</u>
Claim 9:	Yes _____	No <u>X</u>

If you found at least one claim of any asserted patent to be infringed **and** not invalid, proceed to answer the following question for such patent(s). IF YOU FOUND THAT BOTH PATENTS WERE NOT INFRINGED OR THAT ANY CLAIMS WERE INFRINGED BUT YOUR FOUND SUCH INFRINGED CLAIMS TO BE INVALID, YOU DO NOT NEED TO ANSWER ANY FURTHER QUESTIONS AND CAN PROCEED TO THE LAST PAGE AND HAVE YOUR JURY FOREPERSON SIGN AND DATE THIS VERDICT FORM AND THEN DELIVER IT TO THE COURT SECURITY OFFICER. YOU SHOULD NOT PAY ATTENTION TO ANY OTHER INSTRUCTIONS BETWEEN THIS POINT AND THE SIGNATURE PAGE FOUND AT THE END OF THIS VERDICT FORM.

III. DAMAGES

Directions – Question Nos. 5 and 6

In answering Question No. 5 below, provide a dollar amount in the blank space.

Question No. 5: Answer the following question if there is at least one claim of the '640 Patent for which you answered "Yes" in Question No. 1 or at least one claim of the '012 Patent for which you answered "Yes" in Question No. 2.

What is the amount of damages you find CloudfChange has proven from a preponderance of the evidence for NCR's infringement of the '640 Patent and/or the '012 Patent?

\$ 13,200,000.00

Question No. 6: Answer the following question for the amount if any you found above as damages. Is the amount a reasonable royalty for infringement damages up to the present or does it represent the amount of a lump sum amount for the life of the patents.

Running Royalty Yes _____

OR

Lump Sum Yes X _____

IV. WILLFUL INFRINGEMENT

Directions – Question No. 7

In answering the Questions below, please check “Yes” or “No” for each listed asserted patent in the space provided.

Question No. 7: Answer the following question for each patent for which you found at least one claim infringed in Questions 1 and/or 2 above. Has CloudofChange proven by a preponderance of the evidence that NCR’s infringement was willful? “Yes” is in favor of CloudofChange and “No” is in favor of NCR.

'640 Patent: Yes ✓ No _____

'012 Patent: Yes ✓ No _____

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your **unanimous** determinations. After you are satisfied that your **unanimous** answers are correctly reflected above, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once that is done, notify the Court Security Officer that you have reached a verdict. The jury foreperson should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

I certify that the jury unanimously concurs in every element of the above verdict.

SIGNED this 20 day of MAY, 2021.

Jury Foreperson